UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,541	04/02/2001	Subhra Bose		9431

7590 02/03/2006

Bodner & O'Rourke LLP
425 Broadhollow Rd.
Suite 108
Melville, NY 11747

EXAMINER	
LANIER, BENJAMIN E	

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/824,541	BOSE ET AL.	
	Examiner	Art Unit	
	Benjamin E Lanier	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6-8,10-41 and 43-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6-8,10-41 and 43-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 April 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 11 October 2005 amends claims 1, 6, 27, 28, 41, 43, 45, and cancels claims 3, 42. Applicant's amendment has been fully considered and is entered.

Response to Arguments

2. Applicant's arguments filed 11 October 2005 have been fully considered but they are not persuasive. Applicant appears to contend that since Cianfrocca discloses using a Java capable browser that it does not meet the limitation of a browser using browser based scripting language such as JavaScript. This argument is not persuasive because Applicant openly admits in their remarks that JavaScript works across browsers and platforms such as Netscape and Internet Explorer (Page 3 of the Remarks section) and Cianfrocca discloses that the browser used in their system is a browser such as Netscape and Internet Explorer (Col. 14, lines 21-23). Later in the Remarks section, Applicant admits that JavaScript or any other scripting language in the browser, which comes included in **all** browsers and is not required to be installed later. Therefore, the teaching of a browser using JavaScript is inherent to the teachings of **all** browsers as well as being specifically recited to in the Cianfrocca reference (Col. 14, lines 21-23).

3. Applicant's argument that the present invention works with out requiring a Java capable browser does not make the claims novel over the Cianfrocca reference because there is no claim limitation requiring such an embodiment. Even if claimed, however, such a limitation would render the claims patentable over the Cianfrocca reference because they would include a negative limitation that has no support in the specification. Instead of using a Java capable browser, Applicant states that the present invention works with a standard browser and does not

require Java. As stated above, Cianfrocca discloses that the browser used is Netscape or Internet Explorer, which are considered to be the standard web browsers on the market.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 44 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claim 44, the specification recites (Page 6) that the invention does not **require** additional browser plugins, or Active X controls, but is silent with respect to their actual existence.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3, 6-8, 10, 11, 14, 18, 20, 25, 27-29, 32-35, 39, 40, 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Cianfrocca, U.S. Patent No. 6,088,796. Referring to claim 1, Cianfrocca discloses a secure real-time message-oriented middleware system wherein a client

browser connects to a server using HTTP protocols (Col. 4, lines 12-15) and haves the functionality to send messages and receive messages (Col. 4, lines 60-64), which meets the limitation of sending and receiving information comprising a server, one or more senders and plurality of receivers and a communication means for said server to communicate with said sender and said receivers wherein the protocol used for said receivers and said server communications consists essentially of http, https, httpdav or any other variant of the http protocol. The client browser sends the server a HTTP request (Col. 4, line 64), which meets the limitation of said receiver initiates a request which is transmitted to said server. The server may not immediately reply to the web browser and waits to receive a relayed message from a second user terminal that is subsequently sent to the requesting user (Col. 5, lines 52-67), which meets the limitation of in the event said server does not immediately reply to said request with information for said receiver, said server retains said request in a pending state until a time when said server receives informaiton from said sender and wherein said server responds to said request with information for one or more of said receivers and wherein at such time, said server allows for the completion of one or more said receiver requests with said informaiton. Applicant openly admits in their remarks that JavaScript works across browsers and platforms such as Netscape and Internet Explorer (Page 3 of the Remarks section) and Cianfrocca discloses that the browser used in their system is a browser such as Netscape and Internet Explorer (Col. 14, lines 21-23). Later in the Remarks section, Applicant admits that JavaScript or any other scripting language in the browser, which comes included in **all** browsers and is not required to be installed later. Therefore, the teaching of a browser using JavaScript is inherent to the teachings of **all**

browsers as well as being specifically recited to in the Cianfrocca reference (Col. 14, lines 21-23).

Referring to claims 3, 7, 18, Cianfrocca discloses that the client browser connects to a server using HTTP protocols (Col. 4, lines 12-15), which meets the limitation of said receiver includes a web browser and said server includes a web server, the information being sent and received is for page flippging.

Referring to claim 6, Applicant openly admits in their remarks that JavaScript works across browsers and platforms such as Netscape and Internet Explorer (Page 3 of the Remarks section) and Cianfrocca discloses that the browser used in their system is a browser such as Netscape and Internet Explorer (Col. 14, lines 21-23). Later in the Remarks section, Applicant admits that JavaScript or any other scripting language in the browser, which comes included in **all** browsers and is not required to be installed later. Therefore, the teaching of a browser using JavaScript is inherent to the teachings of **all** browsers as well as being specifically recited to in the Cianfrocca reference (Col. 14, lines 21-23).

Referring to claim 8, Cianfrocca discloses that the server is an application server (Abstract), which meets the limitation of said server includes a web application server.

Referring to claim 10, 11, Cianfrocca discloses that data packets are transferred from the server to the client (Col. 12, lines 27-41), which meets the limitation of in the event said server has multiple informaiton items available for delivery to said receiver, the said server may combine said multiple information items in a single response to said receiver, in the event said sender has multiple information items available to send, said sender may combine multiple information items in a single interaction with said server.

Referring to claim 14, Cianfrocca discloses that the server contains an application programming interface (Col. 1, lines 18-20).

Referring to claim 15, Cianfrocca discloses that the application programming interface is NSAPI (Col. 8, line 3), which meets the limitation of a Java Messaging Service Interface or a subset thereof.

Referring to claim 20, Cianfrocca discloses that the messenger system enabled application can send/receive notifications of events (Col. 5, lines 16-19), which meets the limitation of informaiton being sent and received is an alert notification.

Referring to claim 25, Cianfrocca discloses that the system includes email capabilities (Figure 3), which meets the limitation of the information being sent and received is used for real-time email delivery and notification.

Referring to claims 27-29, Cianfrocca discloses a secure real-time message-oriented middleware system wherein a client browser connects to a server using HTTP protocols (Col. 4, lines 12-15) and haves the functionality to send messages and receive messages (Col. 4, lines 60-64), which meets the limitation of communicating entities using a communication protocol may send and receive message in real-time, said system comprising a http, https, httpdav or any any variant of the http protocol stack executing on a web server. The client browser sends the server a HTTP request (Col. 4, line 64) and the request is forwarded to the application gateway to retrieve the requested information and retransmit the response to the end user (Col. 7, line 61 – Col. 8, line 39), which meets the limitation an event mediator, and one or more communicating entities wherein said event mediator coordinates a receiver request and a response message and wherein any entity that desires to receive real-time messages is associate with an event identifier

managed by said event mediator such that an entity submitting a submit-identified-event message to said web server has its request forwarded to said event mediator, said event mediator receiving said message from the web server and matching it with one or more receiver outstanding requests for the same identified event, said event mediator generating a response to said request and sending said response back to said receiver for responding to previously submitted request-for-identified-event messages sent to said web server that had said request forwarded to said event mediator. Applicant openly admits in their remarks that JavaScript works across browsers and platforms such as Netscape and Internet Explorer (Page 3 of the Remarks section) and Cianfrocca discloses that the browser used in their system is a browser such as Netscape and Internet Explorer (Col. 14, lines 21-23). Later in the Remarks section, Applicant admits that JavaScript or any other scripting language in the browser, which comes included in **all** browsers and is not required to be installed later. Therefore, the teaching of a browser using JavaScript is inherent to the teachings of **all** browsers as well as being specifically recited to in the Cianfrocca reference (Col. 14, lines 21-23).

Referring to claim 32, Cianfrocca discloses that the communications are encrypted (Col. 15, lines 7-8).

Referring to claims 33-35, Cianfrocca discloses that the communications utilize the SSL transport layer (Col. 16, lines 10-11).

Referring to claims 39, 40, Cianfrocca discloses that the communication system utilizes a firewall (Figure 1), which meets the limitation of a firewall and security filtering are interposed between any component of the system including said sender(s), said receiver(s), and said server(s).

Referring to claims 42, 43, there is no requirement for additional applications in Cianfrocca.

Referring to claims 44, there are no Active X controls, Java applets or browser plugins in the system of Cianfrocca.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 12, 13, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cianfrocca, U.S. Patent No. 6,088,796, in view of Fan, U.S. Patent No. 6,219,706. Referring to claims 12, 13, 45, Cianfrocca discloses a secure real-time message-oriented middleware system wherein a client browser connects to a server using HTTP protocols (Col. 4, lines 12-15) and haves the functionality to send messages and receive messages (Col. 4, lines 60-64), which meets the limitation of sending and receiving information comprising a server, one or more senders and plurality of receivers and a communication means for said server to communicate with said

sender and said receivers wherein the protocol used for said receivers and said server communications consists essentially of http, https, httpdav or any other variant of the http protocol. The client browser sends the server a HTTP request (Col. 4, line 64), which meets the limitation of said receiver initiates a request which is transmitted to said server. The server may not immediately reply to the web browser and waits to receive a relayed message from a second user terminal that is subsequently sent to the requesting user (Col. 5, lines 52-67), which meets the limitation of in the event said server does not immediately reply to said request with information for said receiver, said server retains said request in a pending state until a time when said server receives informaiton from said sender and wherein said server responds to said request with information for one or more of said receivers and wherein at such time, said server allows for the completion of one or more said receiver requests with said informaiton. Applicant openly admits in their remarks that JavaScript works across browsers and platforms such as Netscape and Internet Explorer (Page 3 of the Remarks section) and Cianfrocca discloses that the browser used in their system is a browser such as Netscape and Internet Explorer (Col. 14, lines 21-23). Later in the Remarks section, Applicant admits that JavaScript or any other scripting language in the browser, which comes included in **all** browsers and is not required to be installed later. Therefore, the teaching of a browser using JavaScript is inherent to the teachings of **all** browsers as well as being specifically recited to in the Cianfrocca reference (Col. 14, lines 21-23). Cianfrocca does not disclose that the communication channel contains a unique identifier. Fan discloses an access control network when a communication channel is established the identification number is included in the headers of the packets (Col. 13, lines 17-22), which meets the limitation of an event notification system to provide one-to-one, one-to-many and

many-to-many communications wherein each communication channel is uniquely identified by a unique identifier, wherein the unique identifier is a string or number. It would have been obvious to one of ordinary skill in the art at the time the invention was made in order to assist the firewall in the filtering of communication packets as taught in Fan (Col. 13, lines 22-26).

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cianfrocca, U.S. Patent No. 6,088,796. Referring to claim 16, Cianfrocca discloses that the communications can be between a bank teller and a bank customer (Col. 11, lines 12-28), but does not specifically recite that these communications include questions and answers. It would have been obvious to one of ordinary skill in the art at the time the invention was made for these communications in Cianfrocca to include questions and answers because communicating questions and answers is key element in conducting bank transactions.

12. Claims 17, 19, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cianfrocca, U.S. Patent No. 6,088,796, in view of MacNaughton, U.S. Patent No. 5,796,393. Referring to claim 17, Cianfrocca discloses a secure real-time message-oriented middleware system wherein a client browser connects to a server using HTTP protocols (Col. 4, lines 12-15) and haves the functionality to send messages and receive messages (Col. 4, lines 60-64), but does not disclose that the messages involve real-time polling. MacNaughton discloses an integrated on-line service community that utilizes real-time polling communication (Col. 4, lines 42-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use real-time polling communications in the real-time messaging system of Cianfrocca in order to attain immediate feedback from users of the system as taught by MacNaughton (Col. 4, lines 44-45).

Referring to claims 19, 24, Cianfrocca discloses a secure real-time message-oriented middleware system wherein a client browser connects to a server using HTTP protocols (Col. 4, lines 12-15) and haves the functionality to send messages and receive messages (Col. 4, lines 60-64), but does not disclose that the information being transmitted is used for a group membership. MacNaughton discloses an integrated online service community wherein users are able to register to a community client/server system (Col. 3, lines 24-61), which meets the limitation of the information being sent and received is used for a group membership and for discussion groups. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the real-time message oriented system of Cianfrocca to enable community services in order to provide the users with similar interests or shared circumstances to enjoy on-going social relations as taught in MacNaughton (Col. 3, lines 8-12).

Referring to claim 23, Cianfrocca discloses a secure real-time message-oriented middleware system wherein a client browser connects to a server using HTTP protocols (Col. 4, lines 12-15) and haves the functionality to send messages and receive messages (Col. 4, lines 60-64), but does not disclose that the information being transmitted is used for chat. MacNaughton discloses an integrated online service community that provides online chat sessions (Col. 1, lines 26-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the real-time message oriented system of Cianfrocca to implement chat sessions because Cianfrocca is already real-time and users would benefit by having direct communications with other users of the system.

13. Claims 21, 22, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cianfrocca, U.S. Patent No. 6,088,796, in view of Kung, U.S. Patent No. 6,373,817. Referring to

claims 21, 22, 26, Cianfrocca discloses a secure real-time message-oriented middleware system wherein a client browser connects to a server using HTTP protocols (Col. 4, lines 12-15) and haves the functionality to send messages and receive messages (Col. 4, lines 60-64), but does not disclose that the information being transmitted is used for follow-me browsing or instant messaging. Kung discloses a chase me system (Abstract) that provides for instant messaging (Col. 23, lines 20-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the chase me system implementation of Kung in the real-time messaging system of Cianfrocca to provide a system for the users of mobile terminals with the methods and procedures for chasing IP broadband subscribers for multi-media communications as taught in Kung (Col. 1, lines 52-55).

14. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cianfrocca, U.S. Patent No. 6,088,796, in view of Ellis, U.S. Patent No. 6,484,257. Referring to claims 36-38, Cianfrocca discloses that the communications utilize the SSL transport layer (Col. 16, lines 10-11), but does not disclose using the TLS communication protocol or communications via a VPN. Ellis discloses a system for maintaining simultaneous cryptographic session wherein the sessions are encrypted using SSL, TLS, and VPN (Col. 1, line 66 – Col. 2, line 67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to encrypt the communications of Cianfrocca because corporations now have critical needs for ensuring the security of data that traverses their networks as taught in Ellis (Col. 1, lines 32-35).

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin E. Lanier

GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100